

## REMARKS

Claims 1-32 are pending in this application. By this Response, claims 1, 13 and 29 have been amended, and claims 33-34 have been added. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Applicant notes with appreciation that dependent claims 2 and 22 would be allowed, if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, Applicant submits new claims 33-34 that contain the limitations of independent claim 1 and dependent claim 2 (claim 33) and independent claim 18 and dependent claim 22 (claim 34). Applicant submits that these claims are in condition for allowance.

In the context of Applicant's invention and claims, and for the purpose of establishing a non-ambiguous prosecution history, the claim element contained in dependent claims 2 and 22 (and now in new claims 33-34) is "a width of the shelf is substantially equal to a width of the visor." This aspect of the invention, as defined by the Applicant, means that the shelf may have a width that is equal to the width of the visor, or the shelf may have a width that ranges from just greater than the width of the visor to a width that is several inches wider than the visor. As defined by the Applicant, "several inches" may range from about two inches to about six inches.

In paragraph 2 of the Office Action, the Examiner objects to the drawings because they do not show "the shelf being captured between the vehicle interior and one or more vehicle components selected from the group consisting of headliners, overhead consoles, window trim, and window moldings." In response, Applicant directs the Examiner to FIG.1, that illustrates flange 67 captured between the vehicle interior and an overhead console 69. This feature of the invention is discussed in the originally-filed specification, on page 7, lines 17-21, and page 11,

lines 8-9. Applicant respectfully requests that the Examiner reconsider and withdraw this objection.

#### **Rejection Under 35 U.S.C. § 112**

In paragraphs 3-4 of the Office Action, the Examiner rejects claims 13 and 31 as being indefinite. Specifically, the Examiner is unsure what is claimed by “an anti-skid” surface in claim 13. In response, Applicant has amended claim 13 to more clearly define this feature of the invention.

The Examiner also rejects claim 31 because it recites that the shelf is captured between the vehicle interior and one or more vehicle components, and that this feature of the invention is inconsistent with the drawings. As discussed above, FIG. 1 illustrates flange 67 that is captured between the vehicle interior and an overhead console. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

The above-described claim amendments have been drafted in response to the indefiniteness rejection, to impart precision into the claims by more particularly pointing out the invention. The claim amendments have not been drafted to overcome any prior art.

#### **Rejection Under 35 U.S.C. § 102(b)**

In paragraphs 5-6 of the Office Action, the Examiner rejects claims 1-3, 5-9, 11, 14, 17, 18, 21, 23-30 and 32 under 35 U.S.C. §102(b) as being anticipated by French Patent Number 2,366,147 (“Peugeot”). As discussed below, Applicant respectfully traverses this rejection.

**A. The Law of Anticipation and Enabling Prior Art References**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that independent claims 1, 18, 25 and 29 have elements that cannot be found, either expressly or inherently in Peugeot. Firstly, amended independent claim 1 now recites “an upper surface configured to receive at least one object.” This feature of Applicant’s invention is illustrated in FIGS. 3 and 5.

In contrast, Peugeot teaches a support for a radio set. The Peugeot support extends across the entire width of the vehicle interior. The upper surface of the Peugeot support cannot be accessed, as the edges of the support seal against the vehicle interior, as shown in FIGS. 1, 2, and 3. Therefore, the Peugeot support cannot receive any objects on its upper surface, as now recited in Applicant’s amended independent claim 1.

Regarding Applicant’s independent claim 18, as originally-submitted, it recites, in part, “the upper surface configured to receive one or more objects.” This feature is also recited in Applicant’s originally-submitted independent claim 25, that claims “a front section configured to receive one or more objects.”

Applicant’s amended independent claim 29 now recites, in part, “. . . a weight placed on an upper surface of the shelf.”

Peugeot contains no teaching or suggestion of having an upper surface that is accessible for the placement of objects.

Accordingly, applicant respectfully submits that Peugeot cannot anticipate independent claims 1, 18, 25 and 29. Claims 3, 5-9, 11, 14, 17, 21, 23-24, 26-28, 30 and 32 depend from the listed independent claims, and accordingly it is respectfully submitted that the rejection of these

dependent claims has been traversed by virtue of their dependency from the independent claims.  
M.P.E.P. § 2143.03.

**Rejection Under 35 U.S.C. § 103(a)**

In paragraphs 7-12 of the Office Action, the Examiner rejects claims 4, 10, 12-13, 15-16, 19-20 and 30-31 as unpatentable under 35 U.S.C. § 103(a) over Peugeot in view of a number of references. Applicant respectfully traverses this rejection as follows.

Claims 4, 10, 12-13, 15-16, 19-20 and 30-31 depend from any one of independent claims 1, 18, 25 or 29, which have been distinguished from Peugeot above. As dependent claims, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from any one of claims 1, 18, 25, or 29. M.P.E.P. § 2143.03.

Moreover, many of the references lack the information required to allow them to be considered valid references. For example, the Dodge Brochure does not have a date of publication, and the black-and-white photocopy supplied by the Examiner is so dark that virtually no details can be discerned. In addition, the Examiner concedes that the black-and-white photocopy does not show the feature of the vehicle shelf having a surface texture and color matched to the vehicle interior. Therefore, this reference completely fails to provide any teaching or suggestion of a vehicle shelf having a surface texture and color matched to the vehicle interior.

Similarly, the JC Whitney reference has a paragraph section presumably underlined by the Examiner that reads: "will not fit vehicles with altered headliner molding." The Examiner then asserts that this teaches the claim element of attaching the visor to the vehicle interior so that the shelf is captured between the vehicle interior and one or more vehicle components. The Applicant contends that the JC Whitney reference utterly fails to provide any such teaching.

Finally, two of the cited references have publication dates that are subsequent to Applicant's filing date. Specifically, the "Stylinconcepts" Internet site reference is dated 11/6/02, and the TruckingTimes.com News Release reference is also dated 11/6/02. Moreover, the product featured in the news release is one embodiment of the Applicant's invention.

### **Conclusion**

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-34 at an early date is solicited. No fee is believed due with this response. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

3.11.03

Date



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims**

Below is a marked-up version of the amended claims pursuant to 37 C.F.R. §1.121(c)(3):

Claims 33-34 have been added, and claims 1, 13 and 29 have been amended:

1. (Twice amended) A shelf for a vehicle interior, comprising:

a front section including a recess for a visor and an upper surface configured to receive at least one object;

an elevated section structured to couple to the vehicle interior; and

a rear section configured to contact the vehicle interior.

13. (Amended) The shelf of claim 12, wherein the anti-skid surface is selected from the group consisting of: a flocked surface, a textured surface, a matted surface, and ~~an anti-skid surface~~ a surface structured to resist a relative motion between the surface and an object placed on the surface.

29. (Amended) A method of attaching a shelf to a vehicle interior, the method comprising the steps of:

providing a shelf with at least one attachment aperture located in an interior area of the shelf;

attaching the shelf to the vehicle interior by placing a fastener through the attachment aperture;

positioning a rear section of the shelf against the vehicle interior so that a weight placed on an upper surface of the shelf is resisted by the rear section contacting the vehicle interior.

33. (New) A shelf for a vehicle interior, comprising:

a front section including a recess for a visor and an upper surface configured to receive at least one object;

an elevated section structured to couple to the vehicle interior; and

a rear section configured to contact the vehicle interior;

wherein a width of the shelf is substantially equal to a width of the visor.

34. (New) A shelf for a vehicle interior, comprising:

a first section comprising a lower surface and an upper surface, the lower surface configured to receive a visor, with the upper surface configured to receive one or more objects; and

a second section structured to receive a visor fastener, the visor fastener coupling the shelf to the vehicle interior;

wherein a width of the shelf is substantially equal to a width of the visor.